

Application Number 	Application/Control No. 10/780,147	Applicant(s)/Patent under Reexamination BANKS ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : November 30, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

NOV 11 2005

PTO/95/29 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
112-0146US

In re Application of: David Banks, et al.

Application No.: 10/780,147

Filed: February 17, 2004

For: METHOD AND SYSTEM FOR CREATING AND IMPLEMENTING ZONES WITHIN A FIBRE CHANNEL SYSTEM

The owner, Brocade Communications Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,705,919 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

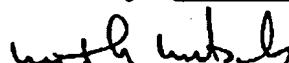
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

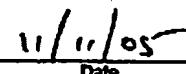
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 31,851



Signature



Date

Keith Lutsch
Typed or printed name

800-448-2405
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

***Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/98 may be used for making this certification. See MPEP § 324.**

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/25 (10-05)

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TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
112-0146US

In re Application of: David Banks, et al.

Application No.: 10/780,147

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For: METHOD AND SYSTEM FOR CREATING AND IMPLEMENTING ZONES WITHIN A FIBRE CHANNEL SYSTEM

The owner, Brocade Communications Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/653,921, filed on May 25, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney or agent of record. Reg. No. 31,851

Keith Lunsford

Signature

11/11/05

Date

Keith Lunsford
Typed or printed name832-448-2405
Telephone Number

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In re Application of: David Banks, et al.

Application No.: 10/780,147

Filed: February 17, 2004

For: METHOD AND SYSTEM FOR CREATING AND IMPLEMENTING ZONES WITHIN A FIBRE CHANNEL SYSTEM

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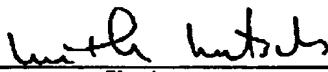
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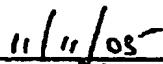
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2. The undersigned is an attorney or agent of record. Reg. No. 31,881



Signature



Date

Keith Lutach
Typed or printed name

832-446-2406
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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03 FEB:1814 130.00 DR

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<input type="text" value="30-Nov-05"/>	APPL. S. N:	<input type="text" value="10180649"/>
To Examiner:	<input type="text" value="CHAWAN, SHEELA C."/>	Art Unit	<input type="text" value="2625"/>
From	<input type="text" value="Jefferson, Henry"/>	Return This Memo To: Case Drop-Off Location	<input type="text" value="JEF-2D68"/>
PARALEGAL SPCECIALIST			

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other:
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

Application Number

Application/Control No.

10/180,649

Applicant(s)/Patent und
Reexamination

SIMARD ET AL.

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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : November 30, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

U.S. Patent and Trademark Office

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PATENT

MS188870.01/MSFTP308US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 571-273-8300 on the date shown below to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 11-18-05


Christina M. Padamonsky

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants: Patrice Y. Simard, *et al.*

Examiner: Sheela C. Chawan

Serial No: 10/180,649

Art Unit: 2625

Filing Date: June 26, 2002

Title: BLOCK RETOUCHING

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

11/21/2005 MBINAS 88888846 10188649
01 FC:1814 130.00 OP

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321

Dear Sir:

I, Hirnanshu S. Amin, represent that I am an attorney of record for U.S. Patent Application Serial No. 10/180,649, filed June 26, 2002, and entitled, "BLOCK RETOUCHING". The owner, Microsoft Corporation, of 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of U.S. Patent No. 10/180,800, as presently shortened by any terminal disclaimer, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said

10/180,649MS188870.01/MSFTP308US

patent shall be the same as the legal title to U.S. Patent No. 10/180,800, this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of U.S. Patent No. 10/180,800, as presently shortened by any terminal disclaimer in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

A credit card payment form is filed concurrently herewith in connection with all fees (\$130.00) due associated with this Terminal Disclaimer. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP308US].

Respectfully submitted,
AMIN & TURNEY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TURNEY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone: (216) 696-8730
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